

Amendments to House Bill No. 319  
1st Reading Copy

Requested by Representative Carolyn Pease-Lopez

For the House Human Services Committee

Prepared by Sue O'Connell  
February 14, 2013 (1:28pm)

1. Title, page 1, line 4.

**Following:** "REQUIREMENTS FOR"

**Insert:** "CERTAIN"

2. Title, page 1, line 7.

**Strike:** "52-2-201" through "52-2-308,"

3. Page 1, line 21.

**Following:** "adults"

**Insert:** "who have received out-of-home or intensive home and  
community-based services"

4. Page 2, line 2 through line 3.

**Strike:** "with a serious" on line 2 through "by rule" on line 3

**Insert:** "meeting the requirements of subsection (2)"

**Strike:** "18" on line 3

**Insert:** "12"

5. Page 2.

**Following:** line 8

**Insert:** "(2) The evaluation required under this section must be  
conducted for a youth with a serious emotional disturbance  
as defined by the department by rule who is receiving  
services through the medicaid program if at the time the  
evaluation is offered or requested the youth:

(a) is in a psychiatric residential treatment facility or  
therapeutic group home;

(b) had received treatment at a psychiatric residential  
treatment facility or therapeutic group home in the past 6  
months; or

(c) is receiving intensive home and community-based  
services as defined by the department by rule.

**Renumber:** subsequent subsections

6. Page 2, line 10.

**Strike:** "the youth's"

**Insert:** "an appropriate"

7. Page 2, line 28.

**Following:** "(4)"

**Insert:** "(a)"  
**Strike:** "(3)"  
**Insert:** "(4)"

8. Page 2, line 29.

**Strike:** "(a)"  
**Insert:** "(i)"  
**ReNUMBER:** subsequent subsections

9. Page 3, line 2.

**Following:** "treatment"  
**Strike:** "and adult" through "needed,"

10. Page 3.

**Following:** line 4  
**Insert:** "(b) The plan of care may include adult case management services as needed for a period not to exceed 3 months."

11. Page 3, line 22.

**Strike:** subsection (b) in its entirety  
**ReNUMBER:** subsequent subsections

12. Page 3, line 24.

**Strike:** ", the healthy Montana kids plan,"

13. Page 3, line 27 through page 4, line 23.

**Strike:** section 4 through section 6 in their entirety  
**Insert:** "NEW SECTION. **Section 4. Rulemaking authority.** The department shall adopt rules necessary to implement [sections 1 through 4]. The rules must include methods for carrying out the provisions of [section 2] in a coordinated manner with services provided through the adult mental health system."  
**ReNUMBER:** subsequent sections

14. Page 7, line 29.

**Strike:** "3"  
**Insert:** "4"

15. Page 7, line 30.

**Following:** the first "chapter 2"  
**Strike:** "part 2,"

16. Page 8, line 1.

**Strike:** "3"  
**Insert:** "4"

- END -

HB BILL NO. 319

INTRODUCED BY

(Primary Sponsor)

CERTAIN

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING TRANSITION REQUIREMENTS FOR YOUTH WHO  
5 WILL BECOME INELIGIBLE FOR CHILDREN'S MENTAL HEALTH SERVICES BECAUSE OF AGE;  
6 REQUIRING ASSESSMENTS; REQUIRING COORDINATION OF CARE; AUTHORIZING PAYMENT;  
7 PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 52-2-201, 52-2-202, 52-2-308,  
8 53-6-113, AND 53-21-702, MCA."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. **Section 1. Legislative findings -- intent.** (1) The legislature finds that taking steps  
13 to ensure a smooth transition between the children's and adult mental health systems for youth who will no longer  
14 qualify for services in the children's system will:

15 (a) improve the mental health outcomes for young adults who need continued mental health services  
16 after they reach 18 years of age;

17 (b) decrease the likelihood that young adults will experience a gap in services; and

18 (c) decrease the probability that young adults will experience a mental health crisis that would result in  
19 a need for more intensive and costly mental health services or in an encounter with the criminal justice system.

20 (2) It is the intent of the legislature to improve transition services and promote continuity of mental health  
21 care for young adults who have received --- by:

22 (a) identifying youth in need of services in the adult system before they reach 18 years of age;

23 (b) requiring planning for a youth's adult mental health or related needs;

24 (c) requiring referral and coordination of care between children's and adult mental health providers as  
25 a youth approaches 18 years of age in cases where the youth will qualify for publicly funded adult mental health  
26 services;

27 (d) authorizing payment for services related to conducting assessments, developing plans, and  
28 coordinating care; and

29 (e) collecting information related to transition planning and its outcomes.

**NEW SECTION. Section 2. Transition planning for youth with mental health diagnoses --**

**rulemaking authority -- data.** (1) (a) The department shall require that a child ~~with a serious emotional~~ <sup>making the requirements of sub (2)</sup>

~~disturbance as defined by the department by rule~~ is evaluated at least 6 months and not more than <sup>12</sup> ~~18~~ months

before reaching 18 years of age to determine whether, if the youth were 18 years of age or older, the youth would

be determined eligible for adult services as established by the department by rule.

(b) The evaluation must be conducted by a provider of adult mental health services.

(c) The evaluation must include a diagnostic evaluation and may include other assessments as needed to determine the most appropriate transition plan for the youth.

<sup>(2)</sup> The evaluation required under this section --

(2) If the evaluation shows that a youth would not be eligible for mental health services as an adult as

<sup>an appropriate</sup> established by the department by rule, the department shall require that the youth's mental health provider

develop a written plan outlining the full range of services and supports that would be available to the youth after

reaching 18 years of age to allow for a successful transition out of children's mental health services. The plan

must be developed in conjunction with the youth and the youth's family.

<sup>5</sup> (3) (a) If an evaluation shows that a youth would be eligible for mental health services as an adult, the department shall require that a plan of care be developed to identify:

(i) the full range of services that may best meet the youth's treatment needs in the adult mental health system; and

(ii) the services that must be provided to the youth before the youth reaches 18 years of age, including treatment planning that involves providers from the children's and adult mental health systems and appropriate targeted case management services to prepare for the youth's transition out of the children's mental health system.

(b) The providers responsible for the youth's mental health treatment shall develop a single plan of care in conjunction with the youth and the youth's family. The plan of care:

(i) may be developed in conjunction with a provider of adult mental health services who has been identified as a likely provider of services after the youth reaches 18 years of age; and

(ii) must reflect a coordinated and integrated approach among the youth's current providers if the youth is receiving services from more than one provider.

<sup>(a)</sup> (4) The plan of care developed pursuant to subsection (3) must include but is not limited to:

<sup>(i)</sup> (a) identification of an available provider of adult mental health services, including a process for making a referral to the provider;

1 (ii) ~~(b)~~ an initial indication of whether the youth would qualify for publicly funded adult mental health services;  
 2 ~~(iii)(e)~~ establishment of a plan for treatment and adult case management services, as needed, to be  
 3 provided to the youth by both children's and adult mental health providers within at least 6 months of the youth's  
 4 18th birthday. Where appropriate, the services should include the youth's family.  
 5 ~~(b) The plan of care shall include adult case management.~~  
 6 (5) (a) The department shall determine by rule the reimbursement schedule for the evaluation required  
 7 under subsection (1) and the planning, treatment, and targeted case management services provided under this  
 8 section.

9 (b) The department shall reimburse targeted case management services provided on the same day by  
 10 children's and adult providers to the extent allowed by federal law and regulation if the services are provided  
 11 pursuant to this section.

12 (6) (a) The department shall maintain information about the transition planning provided under this  
 13 section, including but not limited to the number of youth to whom transition planning services were offered, the  
 14 number who were determined to be eligible for adult mental health services, and the number who entered into  
 15 those services upon reaching 18 years of age.

16 (b) The department shall make the information available on its website and report on the information to  
 17 the children, families, health, and human services interim committee before May 31 of the year preceding each  
 18 regular legislative session.

19 **NEW SECTION. Section 3. Payment for transition services.** (1) To the greatest extent possible, the  
 20 department shall pay for the costs of the transition services required under [section 2] by using money from:

21 (a) the medicaid program provided for in Title 53, chapter 6, part 1;

22 (b) the healthy Montana kids plan provided for in Title 53, chapter 4, part 11; and

23 (c) federal grant funds, including federal community mental health services block grant funds, if available.

24 (2) Any costs not payable by the medicaid program, the healthy Montana kids plan, or federal grant funds  
 25 must be paid from the general fund.

26 **Sect 4. Rulemaking Authority**

27 **Section 4.** Section 52-2-201, MCA, is amended to read:

28 **"52-2-201. Purpose.** It is the purpose of this part to strengthen and improve children's services in  
 29 Montana by requiring interagency and intra-agency cooperation regarding:

30 (1) the provision of services to children; and